

REMARKS

Claims 1, 4, 7, 10, and 16-21 remain pending in the present application. No amendments have been made by the present submission. Reconsideration of the claims is respectfully requested.

Rejections Under 35 U.S.C. §103:

Claims 1, 4, 7, 10 and 16-21 were rejected under 35 U.S.C. §103 over **Braitberg et al.** (U.S. Patent No. 5,479,479). It is submitted that the claimed invention distinguishes over the prior art for any one of the numerous reasons discussed below.

1. The Cited Prior Art Does Not Expressly Nor Inherently Disclose Identification of a Communication Protocol

In response to Applicant's amendments and arguments of February 25, 2002, the examiner now asserts that **Braitberg** *inherently* discloses identification of the proper communication protocol by the mere presence of a device which correctly interfaces with the attached phone. This is incorrect. Mere identification of the model and make (the "type" disclosed in **Braitberg**) of a phone does not teach or suggest (neither explicitly nor inherently) the further identification of any communication protocol.

Braitberg relies upon a cable adapter having "links" that are specifically tailored to identify itself to an electronics module in order to determine the make and model of the telephone it is connected to (*see, e.g.*, col. 8, lines 22 to 36). **Braitberg** depicts such tailored "links" in Figure 6. The links of the cable adapter are shaped in a binary pattern to produce identification data for the

processor so that it can determine the type of cellular phone attached to the other end of the cable. For example, Figure 6C depicts link 54 being "clipped" as shown by the gap 59. A decode logic circuitry 66 (Figure 7) detects the clipped link and translates the set of pins in to a digital pattern that allows for the detection of a total of at least 16 (or 32) different identification codes that correlate to different types of phones (*see, e.g.*, col. 8, lines 37 to 54).

Figure 8 discloses an alternative embodiment employing the use of an analog to digital (A/D) converter providing a reference voltage to line 81 which is presented to mating connective pins 82 and 83. The voltage produces a current through the circuit consisting of resistor 84 and resistor 85 and a half-bridge configuration providing a voltage of pin 87 which is connected to the signal input of the 80 converter 80. In this manner, a six bit A/D converter can provide 64 possible binary codes to logic 86, thereby allowing the identification of up to 64 distinct binary output codes correlating to different phones (*see, e.g.*, col 9, lines 28 to 34).

Such disclosures of *Braitberg* for identifying the "type" of phone does not teach or suggest (neither explicitly nor inherently) the further feature of identifying a communication protocol. As discussed in the Applicant's February 25, 2002 Amendment, the "type" of a portable telephone set identified by the present claimed invention includes a communication protocol. Checking for clipped links or binary codes correlating to different phones according to *Braitberg* has nothing to do with identifying a communication protocol. For at least these reasons, the present claimed invention patentably distinguishes over the prior art.

2. The Requirements of Establishing Inherency Has Not Been Met

The claim rejections also fail to meet the standards of establishing inherency. On the requirements of alleging inherency, MPEP § 2112 describes the examiner's burden to provide evidence *clearly* showing that the missing descriptive matter is *necessarily* present in the thing described in the reference. The fact that a certain feature *may* be present in the prior art is not sufficient to establish the inherency of that characteristic. Here, there is no evidence nor rationale provided to establish this requisite burden. On the contrary, the discussion above shows that **Braitberg** does not even suggest the alleged inherent feature. For at least this further reason, the present invention patentably distinguishes over the prior art.

3. The Prior Art Does Not Disclose the Claimed Operation Start Signal Nor Response

The Examiner admits that **Braitberg** "does not mention identifying the type of the portable telephone sets and **based on the response with respect to an operation start signal which is output to a data interface part of the telephone sets.**" However, the Office Action alleges that **Braitberg** does disclose "means for identifying the type of portable telephone set based on presenting a coded signal." Based on **Braitberg**'s disclosure of presenting a coded signal for identifying the type of portable telephone sets, the Examiner alleges that it would have been obvious to add means for identifying the type of portable telephone set in the manner claimed.

However, the "coded signal" disclosed in **Braitberg**, as discussed above, merely includes clipped links and binary codes correlating to different make and model of phones. Such disclosures

of **Braitberg** do not correspond to the present claimed "operation start signal." As described on pages 15 to 16 of the present specification, the operation start signal includes a PHS telephone set control signal and a mobile telephone control signal, each of which are output from the DCE and transmitted to the portable telephone set 3. No such signal transmission or "operation start signal" are output to the phone disclosed in **Braitberg**. In contrast, **Braitberg** discloses a passive identification mechanism, such as where specific identification codes are precoded into a cable adapter for each of different types of phones. This is directly contrary to the goal of the present invention, which is to reduce costs associated with having specifically tailored parts for different types of phones. In this sense, **Braitberg** *teaches away* from the present claimed invention. Basically, nothing in **Braitberg** teaches or suggests "an operation start signal which is **output** to a data interface part of the portable telephone sets." For at least these further reasons, the present claimed invention patentably distinguishes over the prior art.

In addition, because no operation start signal is "output" to the phone in **Braitberg**, **Braitberg** cannot possibly teach or suggest the further claimed feature for relying on a "**response**" to the operation start signal. In other words, since no signal is "output" to the phone, there is nothing for the phone to respond to. For at least these further reasons, the present claimed invention patently distinguishes over the prior art.

4. No Motivation to Modify Braitberg in the Manner Claimed

The Office Action asserts that it would have been obvious to add means for identifying the type of portable telephone sets to **Braitberg** based on a response with respect to an operation start

signal "in order to optimize systems identification means for identifying the type of portable telephone sets and adopting the connector accordingly." However, nothing in **Braitberg** supports the alleged motivation "to optimize systems identification means" in such a manner. In contrast, the teachings of **Braitberg** specifically require the passive coding means disclosed in Figures 6 to 8. To the extent that the office action suggests a replacement of such identification means in **Braitberg**, it would contradict and destroy the primary structure and intended function of **Braitberg's** invention. For at least these reasons, nothing in **Braitberg** supports the alleged motivation to modify it according to the Office Action. For at least these reasons, the present claimed inventions patently distinguishes over **Braitberg**.

Summary

Nothing in the prior art, either alone or in combination, teaches or suggests all the features recited in the present claimed invention, as explained in detail above. Therefore, the claims are now in condition for allowance.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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